

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 28, 1998

DIVISION ONE

B116880 People (Not for Publication)
v.
Anderson

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B120148 People v. Yonko (Not for Publication)

The judgment is affirmed.

Spencer, P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

B121550 People (Not for Publication)
v.
Miller

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

December 28, 1998-Continued

DIVISION ONE (Continued)

B122816 People (Not for Publication)
v.
Hawkins

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B119685 People (Not for Publication)
v.
Monique K.

The order of wardship is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B114774 Burga (Not for Publication)
v.
American National Insurance Co.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Dunn, J. (Assigned)

DIVISION ONE (Continued)

B119865 Schneider (Not for Publication)

V.

Tragerman

Conservatorship of Harold Tragerman

The order is reversed and the matter is remanded for further proceedings consistent with the views expressed herein. Appellant is to recover his costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

B124910 Kelly F. (Not for Publication)

V.

Superior Court, Los Angeles County

(Dept of Children & Family Services, r.p.i.)

The petition is dismissed as moot.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B110339 Wilson (Not for Publication)

V.

Singer

The judgment and order are affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

December 28, 1998-Continued

DIVISION ONE (Continued)

B118071 Diamond (Not for Publication)
B121783 v.
Minouei, et al.

The judgments are affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

B120111 Los Angeles County, D.C.S. (Not for Publication)
v.
Joseph H., Sr.

The order under review is affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.
Dunn, J. (Assigned)

B122285 Los Angeles County, D.C.S. (Not for Publication)
v.
Cheryl C.

The orders under review are affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.
Dunn, J. (Assigned)

DIVISION TWO

[illegible]

The Court:

The judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting only one prior felony prison term (Pen. Code, 667.5, subd. (b)), rather than two such terms and to forward a copy of the amended abstract to the Department of Corrections.

Boren, P.J., Nott, J., Zebrowski, J.

B121276 Los Angeles County, D.C.S. (Not for Publication)
v.
Milana R.

The Court:

The appeal is dismissed.

Boren, P.J., Fukuto, J., Nott, J.

DIVISION THREE

[illegible]

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B113891 People (Not for Publication)
v.
Sanchez

The judgment is modified to reflect that appellant is ordered to pay a parole revocation fine of \$200 (Pen. Code, 1202.45), and the clerk of the superior court is directed upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and to forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B116057 New Hero, Inc. (Not for Publication)
v.
United States Fidelity and Guaranty Company

The judgment is reversed, and the matter is remanded for proceedings in accordance with this opinion. Appellant is awarded its costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B120692 People v. Cromer (Not for Publication)

The Court:

For the foregoing reasons, the two-year sentence imposed on count 3 and the jury's verdict finding appellant guilty of count 3 are reversed and the matter remanded for new trial on that count. (People v. Enriquez (1977) 19 Cal.3d 221, 237; People v. Mendieta, supra, 185 Cal.App.3d 1032, 1039.) In all respects, the judgment is affirmed.

Curry, J., Vogel (C.S.), P.J., Epstein, J.

DIVISION FIVE

B120407 People (Not for Publication)
v.
Robert Holguin

The judgment is modified to reflect the imposition of stay of a \$200 restitution fine pursuant to Penal Code section 1202.45. The abstract of judgment is modified to reflect two \$200 restitution fines, one pursuant to Penal Code section 1202.4, subdivision (b) and one pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B113972 People (Not for Publication)
v.
Marcus Dorell Phanor

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B120310 People (Not for Publication)
v.
Johnny Salgado

The judgment is modified to reflect the \$3,800 Penal Code sections 1202.4, subdivision (b)(1) and 1202.45 restitution fines discussed in the body of this opinion. Upon issuance of the remittitur and imposition of the additional \$3,800 Penal Code section 1202.45 fine, the superior court clerk is to issue an amended abstract of judgment which reflects both restitution fines and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B122103 People (Not for Publication)
v.
Jaime S.

The warship is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

December 28, 1998-Continued

DIVISION FIVE (Continued)

B117908 People (Not for Publication)
v.
Cutberto T. Holguin

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B116481 Newman Crews, Jr. (Not for Publication)
v.
Jose De Jesus Derna
And Related Cases

The judgment is affirmed. Respondents Jose De Jesus Serna and California Day-Fresh Foods are awarded their costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B120149 People
 v.
 Douglas M. Hartman

Filed order modifying opinion. (No change in the judgment)

December 28, 1998-Continued

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B111703 Gatherings D'Elegance, Inc. (Not for Publication)
v.
Roth, et al.

The summary judgment is reversed. Costs are awarded to appellant Gatherings D'Elegance.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

DIVISION SEVEN

B119328 People (Not for Publication)
v.
Anthony Farentino

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B124102 John Small (Not for Publication)
v.
Workers Compensation Appeals Board

The decision of the WCAB is annulled and the matter is remanded for further proceedings consistent with this opinion.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

B110722 Drew Fenton, et al. (Not for Publication)
v.
Unihealth America, Inc., et al.

The judgment of the superior court is affirmed. Respondents to recover their costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.